

JUAN C. CARVAJAL, PETITIONER, VS. COURT OF APPEALS AND SOLID HOMES, INC., RESPONDENTS.

G.R. No. 98328. October 09, 1997

Ponente: PANGANIBAN, J.

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PANGANIBAN, J.:

Is there denial of due process if an applicant for land registration is unable to testify? May a land registration court, after it is convinced that the property subject of an application for registration under the torrens system is already covered by an existing certificate, dismiss such application and thus ignore petitioner's insistence on submitting further evidence of his alleged title? What constitutes sufficient evidence to show identity of the land applied for with the land already titled in favor of private respondent?

The Case

These are the main questions raised in this petition for review assailing the November 29, 1990 Decision[1] of the Court of Appeals[2] in CA-G.R. SP No. 18318, the dispositive portion of which reads:

“WHEREFORE, in view of the foregoing, let this petition be, as it is hereby DISMISSED.”[3]

This petition also impugns the April 25, 1991 Court of Appeals Resolution[4] which denied reconsideration.

The Facts

The facts found by public respondent are as follows:[5]

“Petitioner is the applicant in a land registration case filed with Branch 71, Regional Trial Court of the Fourth Judicial Region stationed in Antipolo, Rizal. Sought to be brought by petitioner under the operation of the Land Registration Act (Act No. 496) is a 96,470 square meter lot denominated as Lots 6846-A, 6846-B, 6846-C and 6846-D. Copies of the application were ordered by respondent Court to be furnished (to) the National Land Titles and Deeds Registration Administration (NLTDRA) which on March 18, 1987 submitted a report recommending that applicant be order[ed] to amend his petition by including the names and complete postal addresses of the adjoining owners and correcting the discrepancy regarding the boundary lot number along line 2-3 of Lot 6846-D on plan Csd-04-005516-D. On order of respondent Court [trial court], the petition was accordingly amended.

After the NLTDRA was notified that the case is [sic] initially set for hearing on December 7, 1987, the Acting Chief, Docket Division of the NLRDRA [sic] submitted another report recommending that petitioner be ordered to refer to the Bureau of Lands for corrections of the discrepancy existing in the directional bearing and area of Lot 6846-D, Csd-04-005516-D. The technical descriptions as corrected by the Bureau of Lands was [sic] submitted and the application was initially set for hearing on April 26, 1988. The ‘Notice of Initial Hearing’ stating that the application was set for [sic] heard on April 26, 1988 was thereafter issued by the NLTDRA.

On June 1, 1988, an order of general default was issued by respondent Court. Exempted from the order was

one Annie Jimenez who filed an opposition to the application. On June 22, 1988, private respondent Solid Homes, Inc. filed its opposition stating that a land registered in its name under the Torrens System and covered by then TCT No. N-7873 is almost identical to the property subject of the application by petitioner. The opposition was not admitted considering that no motion to set aside the order of general default was filed by private respondent.

On June 28, 1988, private respondent filed a motion to lift the order of general default and to admit its opposition on the ground that its right would be adversely affected by the application. Acting on the motion and in order to avoid duplicity, the NLTDRA was directed to make the plotting of the relative position of the property covered by LRC Psd-245998 and embraced in TCT No. N-7873 and to submit its plotting to the Court for its guidance. In the same order dated July 1, 1988, respondent Court in the interest of justice set aside the order of general default in so far as private respondent was concerned and admitted private respondent's opposition.

On January 10, 1989, petitioner filed a motion praying that the opposition of private respondent be dismissed for the reason that the order issued by respondent court directing the NLRTDA [sic] to make a plotting of the land in question on the basis of the title submitted by the Registry of Deeds of Marikina Branch Manila released the private respondent from the duty and obligation of presenting evidence to prove that the land applied for is private and that there is apparent lack of interest on the part of private respondent to pursue its claim on account of its non-appearance despite the lapse of more than six months or to introduce evidence that will show that the land in question is covered by the alleged torrens certificate of title.

During the hearings conducted on September 13, 1988, September 27, 1988, October 4, 1988, October 11, 1988, October 18, 1988, November 22, 1988, December 6, 1988, petitioner presented his evidence on the question as to whether or not he had a registrable right over the land in question.

Pursuant to the court order dated July 1, 1988 directing the NLTDRA to make the plotting of the relative position of the property covered by LRC Psd-245998 and embraced in TCT No. N-7873, the Land Registration Authority submitted a report dated December 22, 1986 [should be 1988] recommending that, after due hearing, the application for registration of petitioner be dismissed. The application was thus dismissed by respondent court in an order dated January 2, 1989. Considering, however, that the recommendation is [sic] for dismissal after due hearing, respondent judge issued an order dated January 10, 1989 setting for hearing on January 24, 1989 the 'Report' submitted by the Land Registration Authority. The hearing proceeded on February 8, 1989 with Engr. Silverio G. Perez, Chief, Department on Registration, Land Registration Authority being presented in connection with his 'Report' recommending the dismissal of the application after due hearing. On February 28, 1989, the petitioner's application for registration was dismissed.

On March 13, 1989, petitioner filed his motion to reconsider the February 28, 1989 dismissal of the application for registration to which private respondent filed an opposition dated March 20, 1989. The motion for reconsideration was denied in an order dated March 4, 1989.

On May 2, 1989 petitioner filed a second motion to reconsider the dismissal of his petition. On May 8, 1989, respondent judge issued an order requiring the parties as well as the engineers from the Land Registration Commission and the DENR to appear before respondent Court on June 5, 1989. The engineer from the Land Registration Commission was likewise directed to inform the court whether the property applied for by petitioner is indeed inside the titled property of private respondent.

After the Land Registration Authority submitted a report showing that there was indeed an overlapping of the four (4) parcels of land applied for by petitioner and the properties of Solid Homes under TCT 7873 and considering that the properties applied for are [sic] within the titled property and could not be the subject of an application for registration, the second motion to reconsider the dismissal of the application for registration was denied in an order dated July 5, 1989."

As earlier stated, the Court of Appeals affirmed the dismissal of the application for registration, and denied the subsequent motion for reconsideration. Hence, this recourse to this Court via Rule 45 of the Rules of Court.

The Issues Petitioner submits the following issues:[6]

- “1. Whether or not an actual ground verification survey is required to establish the identity of the two parcels of land or whether TCT No. 7873 under Plan FP-1540 of Solid Homes Inc., situated in Barangay Mayamot, Antipolo, Rizal is identical or similar to Lots 6846-A to 6846-D inclusive Cad. 585, Lungsod Silangan, Cadastre, situated in Mambogan, Antipolo, Rizal applied for under LRC Case No. 414 (-A), LRC Record No. N-60084;
2. Whether or not the petitioner was given (the) chance and the opportunity to be heard or allowed to fully introduce his evidence in the (proceeding) for Land Registration and (to) rest (his) case;
3. Whether the decision of the Honorable Court of Appeals is reversible.”

Petitioner alleges that the “table survey” made by the Land Registration Authority and the geodetic engineer of the Land Management Bureau cannot serve as basis “for identifying” his land. “On the other hand, petitioner was able to establish the identity” of the land he applied for by “actual ground survey which was approved by the Director of Lands and reprocessed by the Land Registration Authority.” He claims that if said land is “covered by private respondent’s title, the Director of Lands and/or Regional Director will no(t) approve the survey.” Petitioner also argues that the land in question is situated in “Mambogan, Antipolo, Rizal” while that of private respondent is in “Mayamot, Antipolo, Rizal.” Survey Plan “FP-1540,” which served as basis of private respondent’s certificate of title, cannot be found; hence, according to petitioner, the “table survey” was anomalous. Petitioner adds that the “matter entirely wanting in this case (is) the identity or similarity of the realities.”[7] Petitioner concludes that the trial court should have ordered “actual ocular inspection and ground verification survey” of the properties involved.

Petitioner further maintains that he was denied due process when he, as an applicant in a land registration case, was not able to take the witness stand. According to petitioner, even his counsel hardly participated in the proceeding except to propound clarificatory questions during the examination of Engineer Silverio Perez of the Land Registration Authority.[8]

Public respondent justified its dismissal of the appeal in this wise:[9]

“Land already decreed and registered in an ordinary registration proceeding cannot again be subject of adjudication or settlement in a subsequent conducted proceeding (Land Titles and Deeds by Noblejas, 1968 Revised Edition, page 96). The ‘Report’ submitted by the Land Registration Authority (Annex ‘B’) and the Survey Division of the DENR (Annex ‘RR’) both indicate an overlapping of the lot applied for by petitioner and the lot covered by TCT N-7873 owned by private respondent Solid Homes, Inc. Even if petitioner were allowed to continue with the presentation of his evidence, the end result would still be the dismissal of his application for registration. Respondent Judge was therefore justified in cutting short the proceeding as the time to be spent in hearing petitioner’s application could be used disposing the other cases pending with respondent court.

Anent the allegation that private respondent Solid Homes did not actively participate in the trials conducted to hear his evidence, suffice it to state that it is counsel’s prerogative to determine how he intends to pursue his case.”

The Court's Ruling The petition has no merit.

First Issue: Identity of the Property Applied For

We are not persuaded that the land petitioner applied for was not identical to private respondent's land which was already covered by a torrens certificate of title. The two reports prepared by the Land Registration Authority and the DENR Survey Division clearly showed that there was an overlapping between the two properties. Because the futility of petitioner's application was apparent, the trial court deemed it unnecessary to hear further evidence. We agree.

At the outset, we stress that there was nothing irregular in the order given by the trial court to the Land Registration Authority and the Survey Division of the DENR to submit reports on the location of the land covered by petitioner's application and private respondent's certificate of title. The authority of the land registration court to require the filing of additional papers to aid it in its determination of the propriety of the application was based on Section 21 of PD 1529:[10]

“SEC. 21. Requirement of additional facts and papers; ocular inspection. -- The court may require facts to be stated in the application in addition to those prescribed by this Decree not inconsistent therewith and may require the filing of any additional papers. It may also conduct an ocular inspection, if necessary.”

From the above provision, it is also clear that ocular inspection of the property applied for was only discretionary, not mandatory. Likewise, the land registration court was not obliged to order the survey of the contested lot, especially when another government agency had already submitted a report finding that the contested lot was identical with that described in private respondent's certificate of title and recommending the dismissal of the application for registration.

Further, the order of the land registration court for the LRA and DENR to submit reports was in accordance with the purposes of the Land Registration Law:[11]

“The purposes of the land registration law, in general, are: ‘to ascertain once and for all the absolute title over a given landed property; to make, so far as it is possible, a certificate of title issued by the court to the owner of the land absolute proof of such title; to quiet title to the land and to put a stop forever to any question of legality to a title; and to decree that land title to be final, irrevocable and, undisputable. (citing *Benen vs. Tuason*, L-26127, June 28, 1974, 57 SCRA 531.)’

It is true that a court of first instance acting as a land registration court has limited and special jurisdiction. It can not be denied, however, that when the law confers jurisdiction upon a court, the latter is deemed to have all the necessary powers to exercise such jurisdiction to make it effective. (citing *Marcelino vs. Antonio*, 70 Phil. 388, 391.) The purpose of the applicant is to prove that he has an absolute or simple title over the property sought to be registered, otherwise his application will be denied. An absolute oppositor claims a dominical right totally adverse to that of the applicant. If successful, registration will be decreed in favor of the oppositor. As to whether or not private respondents have absolute or fee simple title over the property sought to be registered necessarily requires a resolution of the question as to whether or not the oppositors had a dominical right totally adverse to that of the applicants. x x x”

Based on the reports submitted, the land registration court correctly dismissed the application for original land registration. An application for registration of an already titled land constitutes a collateral attack on the existing title. It behooves a land registration court to determine the veracity of any and all adverse claims, bearing in mind Section 46 of Act No. 496 which provides that “(n)o title to registered land in derogation to that of the registered owner shall be acquired by prescription or adverse possession.” The trial court's order to the LRA and DENR was a mere cautionary measure in cognizance of the well-settled rule that a torrens title cannot be collaterally attacked. In other words, the title may be challenged only in a proceeding for that purpose, not in an application for registration of a land already registered in the name of another person. After one year from its registration, the title is incontrovertible and is no longer open to review. The remedy of the landowner, whose property has been

wrongfully or erroneously registered in another's name, is to institute an ordinary action for reconveyance or -- if the property has passed into the hands of an innocent purchaser for value -- for damages.[12] In view of the nature of a torrens title, a land registration court has the duty to determine whether the issuance of a new certificate alters a valid and existing certificate of title.

Contrary to petitioner's contention, the approval by the assistant chief of the Bureau of Lands Survey Division of the survey conducted on the land applied for by petitioner did not prove that the said land was not covered by any title. It merely showed that such land has been surveyed and its boundaries have been determined.

Also noteworthy is the finding of public respondent that "the same order (issued by the land registration court) [which set] aside the order (of) general default insofar as private respondent Solid Homes, Inc. was concerned, directed the NLTDRA to make the plotting of the relative position of the property covered by LRC Psd-245998 and [that which was] embraced in TCT No. N-7873." [13] The intention of the land registration court was to avoid "duplicity," [14] that is, to rule out the possibility that the land he sought to register was already covered by a certificate of title. In this case, the land he applied for was found to be within the land described in private respondent's transfer certificate of title.

Petitioner also alleges that the land he applied for was located in Barangay Mambogan, while the registered land of private respondent was in Barangay Mayamot. In his reply filed with public respondent, however, he himself admitted that "Barangay Mambogan is a part of Barangay Mayamot [which is] a bigger barrio in Antipolo, Rizal, and Mayamot covers a big parcel of land running from Antipolo up to Marikina." [15] In view of petitioner's declaration, it was not impossible for the land owned by private respondent to be located in Barangay Mayamot and in Barangay Mambogan. At any rate, whether the two lands are located in Mambogan or Mayamot or both is a factual question, and its resolution by the trial and the appellate courts is binding on this Court. Petitioner failed to provide a reason, let alone an adequate one, to justify the reversal of such finding of the lower courts.

Petitioner also argues that the plotting made by NLTDRA was "anomalous" because Survey Plan FP-1540, on which private respondent's title was based, could not be located. This argument lacks merit. The law does not require resorting to a survey plan to prove the true boundaries of a land covered by a valid certificate of title; the title itself is the conclusive proof of the realty's metes and bounds. Section 47 of the Land Registration Act, or Act No. 496, provides that "(t)he original certificates in the registration book, any copy thereof duly certified under the signature of the clerk, or of the register of deeds of the province or city where the land is situated, and the seal of the court, and also the owner's duplicate certificate, shall be received as evidence in all the courts of the Philippine Islands and shall be conclusive as to all matters contained therein except so far as otherwise provided in this Act." It has been held that a certificate of title is conclusive evidence with respect to the ownership of the land described therein and other matters which can be litigated and decided in land registration proceedings.[16] Thus, this Court in *Odsigue vs. Court of Appeals*[17] ruled:

"x x x. Petitioner contends that private respondents have not identified the property sought to be recovered as required by Art. 434 of the Civil Code. He alleges that Sitio Aduas, where the land in question is located, is at the boundary of Barangay May-Iba, Teresa, Rizal, and Barangay Lagundi, Morong, Rizal. On the other hand, petitioner maintains, the parcel of land he is occupying is located in Barangay May-Iba. He claims that the technical description in the title does not sufficiently identify the property of private respondent and that a geodetic survey to determine which of his improvements should be demolished should first have been conducted by the private respondent. x x x.

But private respondent's title (OCT No. 4050) indicates that the property is located in Barangay Lagundi. Likewise, the certification issued by the Municipal Agrarian Reform Officer at Morong, Rizal stated that petitioner was occupying a landholding at Barangay Lagundi.

For our purposes, a survey is not necessary. A certificate of title is conclusive evidence not only of ownership of the land referred but also its location. The subject of these proceedings is the land covered by OCT No. 4050. Accordingly, petitioners required to demolish only whatever is constructed within its boundaries.” (Underscoring supplied.)

The old case of *Legarda and Prieto vs. Saleeby*[18] explains the nature of a torrens certificate of title, as follows:

“x x x. The registration, under the torrens system, does not give the owner any better title than he had. If he does not already have a perfect title, he can not have it registered. Fee simple titles only may be registered. The certificate of registration accumulates in one document a precise and correct statement of the exact status of the fee held by its owner. The certificate, in the absence of fraud, is the evidence of title and shows exactly the real interest of its owner. The title once registered, with very few exceptions, should not thereafter be impugned, altered, changed, modified, enlarged, or diminished, except in some direct proceeding permitted by law. Otherwise all security in registered titles would be lost. A registered title can not be altered, modified, enlarged, or diminished in a collateral proceeding and not even by a direct proceeding, after the lapse of the period prescribed by law.”

All in all, the land registration court did not err in relying on the certificate of title instead of the survey plan; likewise, the appellate court did not commit any reversible error in affirming the trial court’s decision.

Second Issue: Denial of Due Process

Petitioner claims that he was denied due process because he was unable to take the witness stand. We disagree. The essence of due process is the opportunity to be heard. It is the denial of this opportunity that is repugnant to due process.[19] In this case, petitioner was afforded an opportunity to present witnesses, and he did present three. However, petitioner did not invoke his right to take the witness stand even when the trial court ordered the submission of the parties’ memoranda which signified the termination of the proceedings. Because he acquiesced to the termination of the case, he forfeited his right to take the witness stand.

Likewise, we are not persuaded by his allegation that his own counsel hardly participated in the proceedings. The records show that said counsel did cross-examine Engineer Silverio Perez by propounding clarificatory questions to the latter. In any event, the client is generally bound by the acts of his counsel. Petitioner has not shown at all that his previous counsel had acted in such grossly negligent manner as to deprive him of effective representation, or of due process.[20]

In support of his contention, petitioner cites *Tirona vs. Nañawa*[21] which held:

“We hold the view, however that respondent Judge erred when he ordered the dismissal of the registration case over the objection of the oppositors; and when he refused to reconsider the order of dismissal and reinstate the case he had neglected to perform an act which the law enjoins as a duty resulting from an office, and had thereby deprived the oppositors of a right to which they are entitled.”

Such ruling finds no application to the present case, because neither Respondent Mariano Raymundo (the applicant in the land registration case) nor Petitioner Constantino Tirona (the oppositor in the cited case) was a holder of any certificate of title over the land intended for registration. Such being the case, the land registration court was ordered to act in accordance with Section 37 of Act No. 496[22] either by dismissing the application if none of the litigants succeeded in showing a proper title, or by entering a decree awarding the land applied for to the person entitled thereto.

WHEREFORE, premises considered, the petition is hereby DENIED and the assailed Decision and Resolution are AFFIRMED. Costs against petitioner.

SO ORDERED.

Narvasa, C.J., (Chairman), Romero, Melo, and Francisco, JJ., concur.

[1] Rollo, pp. 80-89.

[2] Eleventh Division composed of Justice Eduardo R. Bengzon, ponente; and Justices Josue N. Bellosillo and Serafin V. C. Guingona, concurring.

[3] CA Decision, p. 10; rollo, p. 89.

[4] Rollo, p. 102; with Justice Jainal D. Rasul concurring in substitution of Justice Josue N. Bellosillo (now Associate Justice of this Court).

[5] CA Decision, pp. 1-6; rollo, pp. 80-85.

[6] Memorandum for the Petitioner, p. 4; rollo, p. 136.

[7] Ibid., p. 5; rollo, p. 137.

[8] Ibid., p. 6; rollo, p. 138.

[9] CA Decision, pp. 9-10; rollo, pp. 88-89.

[10] Otherwise known as the Property Registration Decree.

[11] *Zuñiga vs. Court of Appeals*, 95 SCRA 740, 747, January 28, 1980, per Antonio, J.

[12] *Gonzales vs. Intermediate Appellate Court*, 157 SCRA 587, 600, January 29, 1988 citing *Legarda & Prieto vs. Saleeby*, 31 Phil. 590 and *Magay vs. Estiandan*, 69 SCRA 456, February 27, 1976.

[13] CA Decision, pp. 7-8; rollo, pp. 86-87.

[14] Ibid., p. 8; rollo, p. 87.

[15] Reply, p. 6; Court of Appeals rollo, p. 384.

[16] See *Cuano vs. Court of Appeals*, 237 SCRA 122, September 26, 1997; *Dizon vs. Banues*, 104 Phil. 407 91958; *Lapore vs. Pascual*, 107 Phil. 695 (1960).

[17] 233 SCRA 626, 630-631, July 4, 1994, per Mendoza, J.

[18] 31 Phil. 590, 594 (1915), per Johnson, J.

[19] *Korean Airlines Co., Ltd. vs. Court of Appeals*, 247 SCRA 599, 603, August 23, 1995.

[20] *San Miguel Corporation vs. Laguesma*, 236 SCRA 595, 600-601, September 21, 1994.

[21] 21 SCRA 395, 398, September 30, 1967, per Zaldivar, J.

[22] Applicable portion reads:

"SEC. 37. x x x: Provided, however, That in a case where there is an adverse claim, the court shall determine the conflicting interests of the applicant and the adverse claimant, and after taking evidence shall dismiss the application if neither of them succeeds in showing that he has proper title for registration, or shall enter a decree awarding the land applied for, or any part thereof, to the person entitled thereto, and such decree, when final shall entitle to the issuance of an original certificate of title to such person; x x x" (*Italics supplied*).

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